

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ARELLANO-ANDA,

Defendant.

Cr. No. 10-2163GT

ORDER

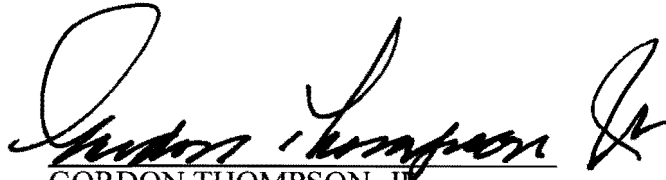
On September 3, 2014, Defendant, Jose Arellano-Anda ("Mr. Arellano"), filed a notice of appeal from the district court's judgment entered on July 31, 2014. Because the notice of appeal was filed more than 14 days after entry of judgement, it was not timely under Federal Rule of Appellate Procedure 4(b)(1)(A). However, the notice of appeal was filed within 30 days after the expiration of the time to file the notice of appeal. The Ninth Circuit remanded the case back to this Court for the limited purpose of providing Mr. Arellano notice and opportunity to request that the time for filing the notice of appeal be extended, for a period not to exceed 30 days from the expiration of the time prescribed by Rule 4(b) based upon the showing of excusable neglect.

Accordingly, Mr. Arellano shall file any motion for extension of time to file the notice of appeal by **September 23, 2014**. The Government may file any response or opposition by

1 **September 30, 2014.** At that time, the motion will be deemed submitted and the parties shall await
2 further order of the Court. Failure to file a motion for extension of time by the deadline imposed
3 herein will be deemed a waiver of the option to pursue relief pursuant to Fed. R. App. 4(b)(4).

4 **IT IS SO ORDERED.**

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6
7 9/16/14
date

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GORDON THOMPSON, JR.
United States District Judge

9 cc: All counsel and parties without counsel
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